

Washington, DC - Congressman Maurice Hinchey (D-NY), joined by 16 other members of Congress, today urged the Delaware River Basin Commission (DRBC) to avoid spending taxpayer dollars on a costly lawsuit recently threatened by New York State Attorney General Eric Schniederman and instead use the money to conduct an environmental impact study on new shale gas drilling in the Basin. In a letter to the federal government's representative on the DRBC, Brigadier General Peter A. DeLuca from the Army Corps of Engineers, the members of Congress argued that the DRBC's draft regulations fail to account for new information on the size and scope of hydraulic fracturing's potential environmental impacts:

- [On May 9, 2011](#) , Researchers at Duke University released a study showing a statistically significant correlation between methane contamination of drinking water wells and their proximity to shale gas drilling sites.
- [On April 20, 2011](#) , thousands of gallons of hydraulic fracturing fluid spilled into the Susquehanna River watershed following a major well blowout in Leroy Township, PA.
- [On February 27, 2011](#) , the New York Times published the first in a series of articles that revealed widespread problems surrounding shale gas production in Pennsylvania, as well as other states with significant shale plays, including water contamination, air pollution, and other health and quality of life issues.
- [On January 31, 2011](#) , a House Energy and Commerce Committee investigation found that drilling companies have used millions of gallons of diesel fuel as part of their hydraulic fracturing operations across 19 states, despite an industry pledge not to do so.

Hinchey, a co-chair of the Congressional Delaware River Task Force, has pressed the DRBC to conduct a comprehensive environmental review prior to issuing new regulations governing water withdrawals from the basin for hydraulic fracturing. Hinchey is also the author of the FRAC Act, which would mandate disclosure of chemicals used in frack fluid and allow the EPA to regulate fracking activities under the Safe Drinking Water Act. Hinchey also authored the legislative language which led to the initiation of a U.S. Environmental Protection Agency study on hydraulic fracturing.

The letter to the DRBC, which is signed by 16 other Members of Congress, follows:

Brigadier General Peter A. DeLuca|
Commander and Division Engineer, North Atlantic Division
U.S. Army Corps of Engineers

302 General Lee Avenue Brooklyn, NY 11252

Dear General DeLuca:

As federal representatives of states within the Delaware River Basin, we believe it is vitally important that all steps are taken to protect the natural resources of this national treasure. Over 15 million people rely on the Basin for drinking water, agricultural, industrial, and recreational uses. The Basin also supports a rich and sensitive ecological system with abundant fish and wildlife, including a world-class trout and shad fishery.

As you know, however, the Delaware River Basin Commission has been moving towards finalizing regulations to govern and allow widespread shale gas production using high-volume hydraulic fracturing combined with horizontal drilling, within the Basin's area. Unfortunately, the Commission is taking these significant steps before conducting common-sense, legally required environmental studies.

A recent study by researchers at Duke University found a statistically significant correlation between methane contamination of drinking water wells and their proximity to shale gas drilling sites. On April 19, 2011, thousands of gallons of hydraulic fracturing fluid spilled into the Susquehanna River watershed following a major well blowout in Leroy Township, PA. In addition, a series of articles in the New York Times revealed widespread problems surrounding shale gas production in Pennsylvania, as well as other states with significant shale plays, including water contamination, air pollution, and other health and quality of life issues. Prior to that, a House Energy and Commerce Committee investigation found that drilling companies have used millions of gallons of diesel fuel as part of their hydraulic fracturing operations across 19 states, despite an industry pledge not to do so. Yet, none of the concerns raised by these studies and incidents were examined by the Commission before it proposed regulations that would allow shale gas development within the Basin.

As you are aware, New York State Attorney General Eric T. Schneiderman has written to you to request that the federal agencies represented at the DRBC conduct an environmental impact statement before the Commission finalizes and issues its regulations or he will initiate legal proceedings. This obligation falls under these federal agencies' National Environmental Policy Act responsibilities and we believe it is imperative that such a review is conducted.

Congress entrusted the DRBC with broad authority to plan, regulate and coordinate management of the Basin's waters. This authority includes the force of law to ensure the protection of the Basin's water resources, such as the approval or disapproval of activities that may have a substantial effect on these water resources. The family of federal agencies you represent on the Commission, including the DRBC, the United States Army Corps of Engineers, the Fish and Wildlife Service, Environmental Protection Agency, and the National Park Service, have all acknowledged that proposed shale gas development involving "fracking" and other techniques would risk significant environmental harm. Nevertheless, a comprehensive environmental study has not been conducted.

We strongly urge you to avoid a costly and unnecessary legal battle and instead use those federal resources to conduct this common sense and legally required environmental analysis.

Thank you for your consideration.

Sincerely,

Rep. Maurice D. Hinchey
Rep. Carolyn B. Maloney
Rep. Jerrold Nadler
Rep. Charles Rangel
Rep. José Serrano
Rep. Anthony Weiner
Rep. Paul Tonko
Rep. Rush Holt
Rep. Nita Lowey
Rep. Nydia Velázquez
Rep. Joseph Crowley
Rep. Yvette Clarke
Rep. Gary Ackerman
Rep. John Carney
Rep. Edolphus Towns
Rep. Eliot Engel
Rep. Rep. Gregory Meeks